

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

Title 15, California Code of Regulations

§ 4826. Temporary Detention.

~~Temporary detention may be utilized as an adjunct to parole supervision in accordance with Section 4985.~~

NOTE: Authority cited: Section 1712, Welfare and Institutions Code. Reference: Sections 1752, 1766 and 1768, Welfare and Institutions Code.

§4985. Temporary Detention.

~~Temporary detention is the detention of a parolee for 30 days or less for treatment purposes and/or to redefine the conditions of parole. Temporary detention shall be used when the violation process is not contemplated. A parolee may be detained temporarily only in a place approved by the Director.~~

~~(a) Initiating Temporary Detention. The Board or parole staff may initiate the temporary detention of a parolee under the following circumstances:~~

- ~~(1) For psychiatric evaluation and/or treatment necessary to prevent danger to the parolee or other persons.~~
- ~~(2) For medical diagnosis and/or treatment necessary for the physical health of the parolee when the health of the parolee or another person is seriously endangered.~~
- ~~(3) As a sanction for behavior which may not be an actual violation of parole but which, if not corrected, will more likely than not lead to a substantial violation of parole.~~

~~(b) Duration of Temporary Detention. The duration of temporary detention shall be the minimum necessary to accomplish its stated objectives. If the objectives cannot be accomplished within the time intervals prescribed below, a parolee's case shall be placed in the violation process.~~

- ~~(1) At any one time the temporary detention of a parolee shall not exceed 30 continuous days.~~
 - ~~(2) The total duration of temporary detention in any continuous six month period shall not exceed 30 days.~~
- ~~(c) Protections Afforded a Parolee in Temporary Detention Matters.~~

- ~~(1) The parolee shall have the right to a personal appearance hearing before a director's representative unless it is reasonably waived.~~
- ~~(2) The hearing shall precede detention if possible but, in any event, shall be no later than two days after initiation of detention.~~
- ~~(3) The parolee shall receive a written report of the reason for detention, its objectives, and the proposed duration of such detention.~~
- ~~(4) The parolee shall have the opportunity to respond to the issues raised in the parole staff's report.~~
- ~~(5) The parolee shall have the right to legal counsel when the criteria for counsel in violation matters are met. The director's representative shall initiate appointment of counsel when he believes criteria for counsel are met. A continuance of the hearing for no longer than one week may be given when counsel is appointed.~~
- ~~(6) A decision on temporary detention shall be supported by a preponderance of evidence.~~
- ~~(7) A concise written summary of the decision and of the reasons for the decision shall be prepared and a copy provided to the parolee.~~
- ~~(8) The Board shall review the written summary and the decision of the director's representative at the first parole calendar following the temporary detention decision.~~

Note: Authority cited: Section 1712 1722, Welfare and Institutions Code. Reference: Section 1766, Welfare and Institutions Code.